

Michael J. Barron, Jr.
Counsel
Legal Department



Canadian National/Illinois Central
455 North Cityfront Plaza Drive
Chicago, Illinois 60611-5317
Telephone: (312) 755-7954
Fax: (312) 755-7669
Internet: Michael.Barron@cn.ca

December 9, 2002

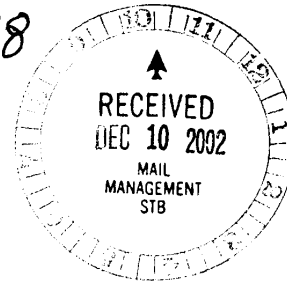
Via Overnight Mail

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

206798
ENTERED
Office of Proceedings

DEC 10 2002

Part of
Public Record



Re: STB Docket No. AB-43 (Sub-No. 173X), Illinois Central Railroad Company— Petition for Exemption for Abandonment in Forrest County, Mississippi


Dear Secretary Williams:

Enclosed for filing in the above-captioned proceeding, pursuant to 49 C.F.R. § 1152.60, are an original and ten copies of the Verified Petition of Illinois Central Railroad Company. A check in the amount of \$4,700.00, representing the appropriate fee for this filing, also is enclosed. Included with the Petition are the map required by 49 C.F.R. § 1152.60(b), a certificate of service acknowledging that service of this Petition has been made on the appropriate parties pursuant to 49 C.F.R. § 1152.60(d), as well as any other interested parties or shippers, and a draft Federal Register notice and disk containing the draft notice.

The Environmental and Historical Reports for this proceeding have already been filed with the Board. Please stamp and return the duplicate copy of this letter to my attention in the envelope provided to indicate that you received the above items.

Feel free to call me at (312) 755-7954 if you have any questions.

Respectfully submitted,


Michael J. Barron, Jr.
Counsel for Illinois Central
Railroad Company

Encls.

FILED

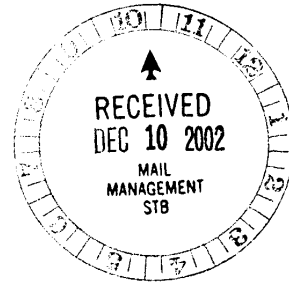
DEC 10 2002

**SURFACE
TRANSPORTATION BOARD**

FEE RECEIVED
DEC 10 2002
**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-43 (SUB-NO. 173X)



ILLINOIS CENTRAL RAILROAD COMPANY —
ABANDONMENT EXEMPTION — IN FORREST COUNTY, MISSISSIPPI

VERIFIED PETITION FOR EXEMPTION

ENTERED
Office of Proceedings

DEC 10 2002

Part of
Public Record

FEE RECEIVED

DEC 10 2002

SURFACE
TRANSPORTATION BOARD

FILED

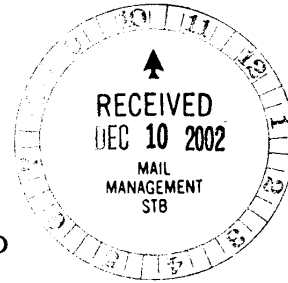
DEC 10 2002

SURFACE
TRANSPORTATION BOARD

Michael J. Barron, Jr.
Illinois Central Railroad Company
Canadian National/Illinois Central
455 North Cityfront Plaza Drive
Chicago, IL 60611-5317
(312) 755-7954

ATTORNEY FOR
ILLINOIS CENTRAL RAILROAD COMPANY

Dated: December 9, 2002



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-43 (SUB-NO. 173X)

ILLINOIS CENTRAL RAILROAD COMPANY —
ABANDONMENT EXEMPTION — IN FORREST COUNTY, MISSISSIPPI

VERIFIED PETITION FOR EXEMPTION

Illinois Central Railroad Company (IC) hereby petitions the Board, pursuant to 49 U.S.C. § 10502, for an exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon the line of railroad referred to as "Central District Trackage" extending from milepost MH 0.66 to milepost MH 3.06 for a total of 2.4 miles in Hattiesburg, Forrest County, Mississippi. Central District Trackage is the easternmost remnant of IC's former Central District, originally running from Hattiesburg to Natchez, Mississippi. IC is a Class I common carrier by rail which owns and operates approximately 2,550 miles of rail line in six Midwestern and south central states. IC is a wholly-owned subsidiary of Canadian National Railway Company.

Two customers remain on Central District Trackage. Hercules Corporation has two rail leads into their plant. One, off the proposed abandonment, has not carried traffic for many years. The other lead, off the IC mainline, will remain intact. Traffic for the second customer, Mississippi Tank, is extremely low. Through November of 2002, only three inbound shipments have been recorded (erroneously reported earlier as four inbound and four outbound shipments through May, 2002); in 2001 there were six inbound and six outbound shipments. There is no need to keep Central District Trackage for overhead traffic as the track dead ends at milepost MH 3.06.

I. DESCRIPTION OF LINE TO BE ABANDONED

IC seeks to abandon the segment of track between milepost MH 0.66 and MH 3.06 all in Forrest County, Mississippi. See the map attached hereto as Exhibit 1. Track and materials from the abandonment that are salvageable will be used for upgrading and maintaining other active rail lines. Remaining material will be sold as scrap.

II. REQUIREMENTS OF 49 C.F.R. § 1117.1

A. Short, Plain Statement of the Grounds upon Which the Board's Jurisdiction is Based.

The Board has jurisdiction over the proposed abandonment pursuant to its authority under 49 U.S.C. § 10903.

In addition, 49 U.S.C. § 10502 requires the Board to exempt a person or transaction or a service from the statutory and regulatory requirements otherwise applicable to a rail carrier when the Board determines that statutory and regulatory requirements are (1) not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and (2) either; (A) the transaction is a limited scope, or (B) regulation is not needed to protect shippers from the abuse of market power.

B. Short Plain Statement of the Claim Showing
That the Petitioner is Entitled to Relief.

IC requests that the Board grant to it, pursuant to the Board's authority under 49 U.S.C. § 10502, an exemption from the requirements of 49 U.S.C. § 10903 for the following reasons:

1. Requiring a Full Proceeding Is Not Necessary to Carry Out the
Rail Transportation Policy of 49 U.S.C. § 10101.

Detailed scrutiny under 49 U.S.C. § 10903 is not necessary to carry out the rail transportation policy. By minimizing the administrative expense of abandoning Central District Trackage, an exemption will expedite regulatory decisions, reduce regulatory barriers to exit, foster sound economic conditions and encourage efficient management. (49 U.S.C. § 10101(2), (5), (7) and (9)). Other aspects of the rail transportation policy are not affected adversely.

2. The Transaction is of Limited Scope.

The transaction is also limited in scope since the proposed abandonment involves only 2.4 total miles of track with one extremely low-volume shipper.

3. Regulation is Not Necessary to Protect Shippers
From the Abuse of Market Power.

Regulation of this abandonment by the Board is completely unnecessary to protect any shipper from the abuse of market power. Only two customers, Hercules Corporation and Mississippi Tank, remain on Central District Trackage. Hercules Corporation will be served by a second lead to the IC mainline, and Mississippi Tank's volume is not expected to grow over its very low volume. Both companies have been served with a copy of the Petition. There is no overhead traffic on Central District Trackage as the track dead ends at milepost MH 3.06.

C. A Demand for the Relief the Petitioner Believes is Appropriate.

IC seeks exemption pursuant to 49 U.S.C. § 10502 from the prior approval requirements of 49 § 10903 to abandon the segment Central District Trackage, described previously, in Forrest County, Mississippi, a distance of 2.4 miles.

III. LEVEL OF LABOR PROTECTION TO BE IMPOSED

The appropriate level of labor protection that will be applied is that established in *Oregon Short Line Co—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

IV. ENVIRONMENTAL AND HISTORIC REPORT

Information with respect to environmental and historic matters involved in the proposed abandonment is included in the Environmental/Historic Report which we already filed with the Board and which we have already served on the necessary parties in accordance with the requirements of 49 C.F.R. §§ 1105.7 and 1105.8.

Based on information in our possession, the track segment to be abandoned does not contain Federally granted rights-of-way.

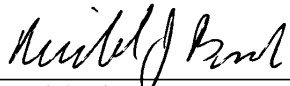
Since we served the Environmental/Historic Report, we have received notice from the U.S. Fish & Wildlife Service in Jackson, Mississippi indicating they had no objection to the proposed abandonment. A copy of this correspondence is included as Exhibit 2.

CONCLUSION

WHEREFORE, IC respectfully requests that the Board exempt from the prior approval requirements of 49 U.S.C. § 10903 the abandonment of Central District Trackage between milepost MH 0.66 and MH 3.06 in Forrest County, Mississippi.

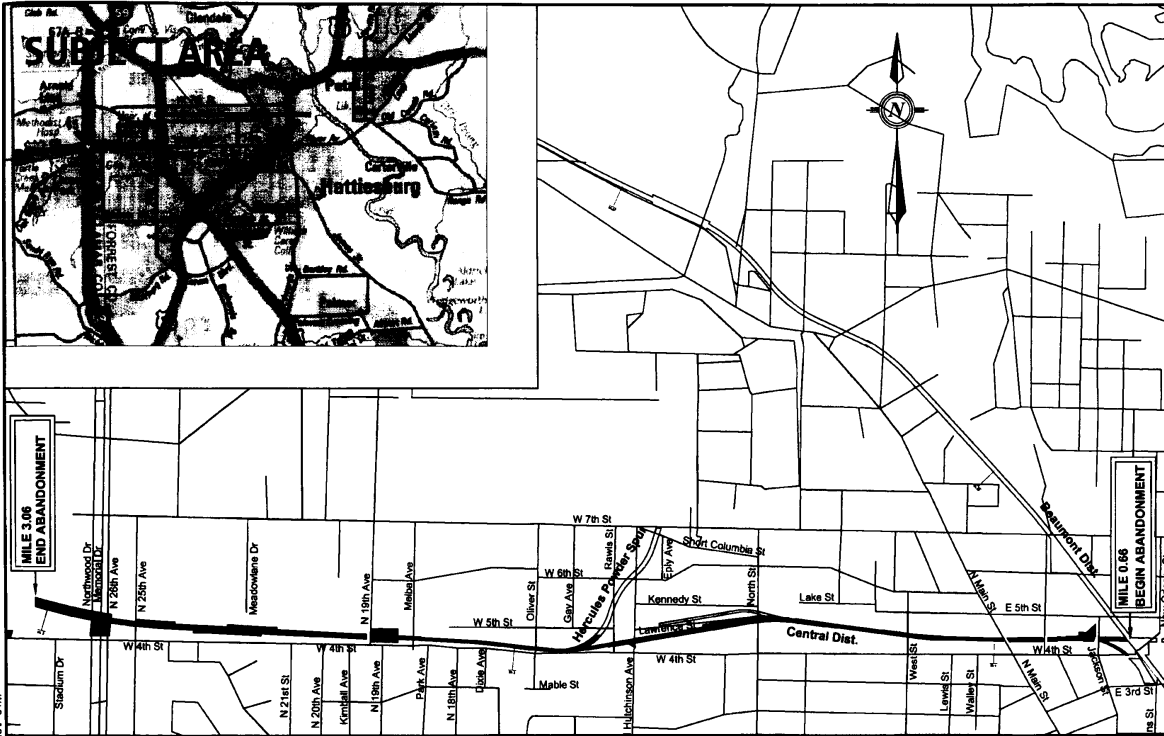
Dated: December 9, 2002


Respectfully submitted,

By: 

Michael J. Barron, Jr.
Attorney for Illinois Central Railroad Company
Canadian National/Illinois Central
455 North Cityfront Plaza Drive
Chicago, IL 60611-5317
(312) 755-7954

1-708-847-6555



DESCRIPTION: Hattiesburg Forrest County State of Mississippi U.S.A		Proposed Abandonment Hattiesburg, Mississippi		Canadian National Railway Properties Inc.		Propriétés ferroviaires du Canadien National Inc.	
THIS IS NOT A PLAN OF SURVEY CECI N'EST PAS UN PLAN D'ARPENTAGE		Subject Lands/Terrain Sujet		SCALE / ÉCHELLE: N.T.S.			
MILEAGE / MILLIAIRE: 0.66 - 3.06		SUBDIVISION: Central Dist. (074)					
DATE: September 10, 2002		SPUR / ANTENNE: n/a					

W:\AsstCP\Hattiesburg\Hattiesburg.dwg 11/01/02 Aspen

Exhibit 1



Michael J. Barron, Jr.
Counsel
Legal Department

Canadian National/Illinois Central
455 North Cityfront Plaza Drive
Chicago, Illinois 60611-5317
Telephone: (312) 755-7954
Fax: (312) 755-7669
Internet: Michael.Barron@cn.ca

November 18, 2002

NOV 18 2002

**Re: Illinois Central Railroad Company Petition for Exemption for Abandonment—
Forrest County, Mississippi—Docket AB-43 (Sub-No. 173X)**

To Whom It May Concern:

Any time on or after December 9, 2002, Illinois Central Railroad Company ("IC") expects to file with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon a railroad line located between milepost MH 0.66 and MH 3.06 in Hattiesburg, Forrest County, Mississippi. Enclosed is an Environmental Report and a Historic Report describing the proposed action and any expected environmental and historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental and historical analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental and historic review process, please contact their Section of Environmental Analysis (SEA), at the Surface Transportation Board, 1925 K Street, N.W., Washington, D.C. 20423-0001, (202) 565-1545, and refer to the above docket number.

IC will file the Environmental Report and Historic Report with the STB on or about November 18, 2002. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the STB (with a copy to the undersigned) would be appreciated within three weeks. Your comments will be considered by the STB in evaluating the environmental and historical impact of the contemplated action.

If there are any questions concerning this proposal, please contact the undersigned directly at (312) 755-7954 or by mail at the above address.

Sincerely,

Michael J. Barron, Jr.
Michael J. Barron, Jr.
Counsel for Illinois Central
Railroad Company

Encls.

<input checked="" type="checkbox"/> No Significant adverse wetland impacts	
<input checked="" type="checkbox"/> No listed, proposed or candidate species present	
<i>Kathleen W. Lunsford</i>	
Environmental Coordinator	
U.S. Fish and Wildlife Service	
03-146	11/18/02
Log No.	Date

CERTIFICATE OF SERVICE

I, Michael J. Barron, Jr., Attorney for Illinois Central Railroad Company, hereby certify that a copy of the foregoing Petition for Exemption has been served upon the following by first class mail, postage prepaid, on the date below shown:

Mr. Thomas Ross, Division Chief
National Center for Recreation and
Conservation
National Park Service
1849 C Street, N.W. Mailstop 3622
Washington, DC 20240

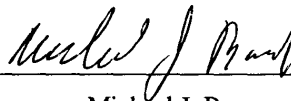
United States Department of Defense
MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd. #130
Newport News, VA 23606-2574

Mr. Walt Langhans
Plant Manager
Hercules, Inc.
613 West 7th Street
Hattiesburg, MS 39401

Mr. Michael P. Dombeck
Chief, Forest Service
U.S. Department of Agriculture
201 14th Street, S.W.
Washington, DC 20250

Mr. Steven Edwards
Rails Division
Mississippi Department of Transportation
P.O. Box 1850
Jackson, MS 39215-1850

Mr. Danny Miller
President
Mississippi Tank Company
P.O. Drawer 1391
Hattiesburg, MS 39401-1391



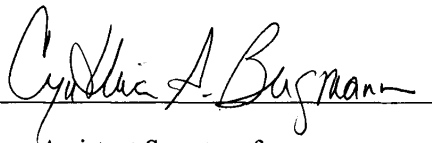
Michael J. Barron, Jr.

Dated at Chicago, Illinois
this 9th day of December, 2002.

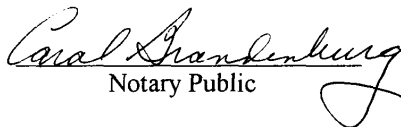
VERIFICATION

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

Cynthia A. Bergmann, being duly sworn, deposes that she is Assistant Secretary for Illinois Central Railroad Company, and that she has read the foregoing Petition for Exemption and knows the facts asserted therein, and that the same are true as stated.


Assistant Secretary for
Illinois Central Railroad Company

SUBSCRIBED AND SWORN
to before me this 6th day of
December, 2002.


Notary Public

